REMARKS

Claims 1-2, 7-10 and 16-29 are all the claims presently pending in the application. All claims stand rejected under 35 USC 112, first paragraph. Claims 1-2, 7, 9-10, 16 and 17 stand rejection as anticipated by Fette. Claims 8 and 18-20 stand rejected as obvious over Fette in view of Guan.

The rejections are respectfully traversed in view of the following discussion.

It is noted that any claim amendments are made to merely clarify the language of each claim, and <u>not</u> for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. It is further noted that, notwithstanding any claim amendments made herein, Applicant's intent is to encompass equivalents of all claim elements, even if amended herein or later during prosecution.

THE 35 USC 112 FIRST PARAGRAPH REJECTION

The Examiner's rejection of the present claims based upon 35 USC 112, first paragraph fails because it is fundamentally incorrect, uses improper standards under the statute, and contains argumentative opinions that are not appropriate under the MPEP for examination of patent applications which have tainted the entire section. Applicant cannot argue properly against this section since the rejections are intermixed with the inappropriate comments.

On Thursday, January 5, 2006 Applicant's undersigned attorney telephoned Mr.
Richemond Dorvil, the examiner's supervisor, regarding the unfounded and gratuitous
comments that the examiner has placed into the record under this section and the 35
USC 103 section of the Office Action. After the attorney read parts of the examiner's
comments over the phone and expressed their inappropriateness in this or any Office
Action and Applicant's demand they be removed from the record to the extent possible,
Mr. Dorvil instructed to add a statement to the Examiner in this Amendment that the
comments be removed from the record with a positive statement and if there is any
question to discuss the matter with Mr. Dorvil. Therefore, Applicant requires that the
entire comments under this section be withdrawn from the record and that the examiner
inserts in the record a positive statement that the comments were inappropriate, that he
had no knowledge, basis, and foundation to make the statements in this section.

This entire section is tainted with examiner's argumentative opinion that is
riddled with inaccuracies. An application does not need to present all the details of a
system that one skilled in the art would already have knowledge of. For example, the
standard is not "anyone trying to make and use this invention," the standard is one
skilled in the art. Examiner's own cited art uses this procedure, in Guan when he states
"...well known features such as particular communication channels (e.g. the Internet),
protocols for transferring data via the Internet, and the like have not been described in
detail so as not to obscure the invention." (col. 3, lines 49-54) Applicant's invention is

enabled, it cites a "source terminal communicates speech to a destination terminal," a "destination terminal for the reverse link," (para. [0015]) a "bi-directional telephone link" ([0015-0016]), digitally coded text ([0005] [0016]) and "*the* digital network," ([0005]) that refers back to *the* digital network and voice over packet network in [0003] of the background. Further, Examiner has no basis to state that the present invention does not enable "Internet communications" as stated on page 6 of the Office Action, since Voice-over-Packet communications are used in the Internet and Applicant's references to "the digital network" refer back to using a similar type of network for the present invention.

Furthermore, Applicant requires that the allegation of Applicant "hiding necessary details for achieving best mode" be positively withdrawn and a statement that the Examiner has no knowledge, expertise, foundation, or basis for opinion to make this inaccurate and false statement.

THE PRIOR ART REJECTIONS

The Examiner has alleged that Fette discloses converting speech into text and communicating the text "across any known data channel" and converting the information communicated at the received end of the channel into speech that is synthesized as the original speaker. This is incorrect. Fette does not show communications across "any known data channel." For example, communicating over a

Bluetooth connection, the Internet, or a wireless LAN 802.11 connection is not disclosed by Fette (which is a disclosure from 1983, prior to most of that technology).

The present invention claims a different way of placing a telephone call over a digital packet network using a lower bit rate and bandwidth that is typically used in coding and decoding voice communications. (App., p. 7, paragraph [005,007]) Digital packet networks, that are well-known to transmit packets in two data stream directions, are not disclosed by Fette. Although Fette only discloses transmitting over "telephone lines" (Col. 2, L. 31), Fette is a one-way transmission system that is not viable as a 2-way telephone system, as will be described below.

Instead of two people's actual voice signals being transmitted across a telephone line or digital network line, the present invention uses voice recognition software to convert the send and receiver's voices into text character form and only send the text characters, not the voice signals, over the network lines. At the receiver end of each speaker, the text characters are spoken electronically by computer software. (App. P. 4, Para. [0016]-[0017]). The present invention uses a 2-way, bi-directional telephony network. The specification describes a "bi-directional telephony link" between a "source terminal" that "communicates user speech to the destination terminal," where "the source terminal for the forward link serves as the destination terminal for the reverse link." (App. P. 4, para. [0015]-[0016]. Although Fette discloses a communications system, where a word is recognized, and a digital representative of

the word in ASCII or numeric code is transmitted to a remote terminal for speaking out

by an electronic voice, any similarities end there. Fette's system is clearly for use in a

stand-alone, one-way system in the military environment for requesting information

from a remote terminal (Col. 5, L. 57-65), not for carrying on a telephone conversation.

The Examiner alleged, in rejecting claims 16-17 that have a bi-directional

limitation in the claim elements, that "Fette clearly shows that his system is bi-

directional in figure 2 capable of sending and receiving as is common to telephone

systems." A careful reading of Fette shows that the terms "bi-directional" and sending

and receiving "common to telephone systems" are not found anywhere in the

disclosure. These conclusions regarding Fette are incorrect and the Examiner is

reading these terms into Fette where they do not exist. Fette neither discloses or

suggests "providing a bi-directional digital telephony link over a digital network between

a source terminal and a destination terminal, wherein the source terminal for a forward

link serves as the destination terminal for a reverse link on the digital telephony link,"

as recited in claim 16 (this limitation has been amended to all of the method and

system independent claims of the present application).

Fette's Figure 2 shows a detail of the LPC Analyzer Board in Figure that is

attached to Microphone Audio 14, Word Recognizer 16, and CPU 18 of computer 20.

Figure 1 clearly shows a *one-way* arrow linking reception of speech from microphone

14 to the Board 15, thus there is *no bi-directionality* between board 15 and the speaker

wearing microphone 14. The disclosure further establishes this by the detailed description "...FIG. 2, the audio from the microphone 14 is supplied through an AGC network 25 and low pas filter 26 to a sample and hold circuit 28." (col. 2, L. 65-67) "All of the signals from the analyzer 32 are supplied through an interface 34 to CPU 18..." (Col. 6, L. 13-15). And, Col. 7, L. 20-25 "...board 15 includes a synthesizer ... and is utilized in place of the synthesizer board 22 *when speaker recognition is included in the system....*" (emphasis by Applicant) The speaker recognition system is referred to in column 4, line 60 to column 5 line 12. This is a security feature to recognize "possible authorized speakers" in order to give them access to "classified information." If an authorized speaker is not identified, then "the classified system is denied." Clearly, all signals from the board 15 go one-way into the CPU 18. Voice recognition may be used to determine if the speaker is authorized to use the system. This is not a tool used for "providing a bi-directional digital telephony link over a digital network," as recited in the claims.

The Examiner further alleged that Fette col. 8, lines 18-23 teaches that the disclose is applicable to general communications. Col. 5, line 57 states that Fette is for specific *military communication applications*, not for a general communications applications: "A typical example of military usage of the present system is described in conjunction with FIGS. 7 and 8. In this specific embodiment the system is designed to involve the user and updating a geographical model of troops, support, and

geographical environment." Using voice recognition, transmitting only the text, and using a computerized electronic voice to read out the text at both ends of a conversation is not a typical way to communicate. Neither Fette nor this present application cite to any ITU or Bell telephone standards for such communications. Thus, the conclusion that this section of Fette shows general communications and therefore anticipates the present invention based on the disclosure of general communications is simply not in accord with Fette's stated purpose and general ways to communicate according to telephone and ITU standards. This invention is not a "general communications system" and neither is Fette. This invention is a specific communication system transmitting text instead of voice in a bi-directional digital telephony link that sends and receives communications, something that Fette neither suggests nor discloses.

In a telephony conversation of the present invention, the system must be checked each time a text transmission is communicated, otherwise each side would not know if the other end is still on-line. Each source and destination terminal performs this procedure: <u>determining a status of the telephony link; ending the communicating if the telephony link is terminated</u>," as recited in the claims. This is not performed, nor necessary, in the Fette system.

THE GUAN REFERENCE

The Guan reference would not have been combined with the Fette reference to

produce the claimed invention. Guan discloses Internet telephony, that encodes the entire voice signal in a "data package" using standard encoding techniques from a speaker as well as "the discrete speech signals" such as energy, pitch, duration and voiced/unvoiced parameters..." (col. 5, lines 40-55) and sends this in "formalized data packages (col. 6, line 31) over the Internet where they are used by a receiver to provide a "high-naturalness and intelligibility" by a speech synthesizer "ro produce discrete speech signals." The voice itself is encoded, which is not the method used by Fette, i.e. converting speech through speech recognition into ASCII code or numerical codes and then transmitting the codes themselves, not the speech. These two methods are not compatible. Guan represents the prior "Voice over Packet" techniques described in the background of the present application.Thus, Guan's method of synthesizing the actual encoded voice data when it is played out is not the same as synthesizing an electronically-produced voice at a destination terminal, as described in the present claims 8, 12, 13, 15, and 18-20.

Further, the Examiner's use of Guan teaching any type of bi-directionality is not applicable to the present invention because, as described above, Guan's system is merely an add-on to typical Voice Over Packet on a digital network such as Voice Over Internet Protocol technology, which is not used by the present invention.

In view of the foregoing, Applicant submit that claims 1-2, 7-10 and 16-29 ,all the claims presently pending in the Application, are patentably distinct over the prior art

of record and are in condition for allowance. The Examiner is respectfully requested to

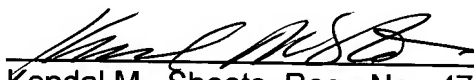pass the above Application to issue at the earliest possible time.

Should the Examiner find the Application to be other than in condition for

allowance, the Examiner may contact the undersigned at the local telephone number

listed below to discuss any other changes deemed necessary in a <u>telephonic or

personal interview</u>.

The commissioner is hereby authorized to charge any fees associated with this

communication to Client's Deposit Account No. 20-0668.

Respectfully Submitted,

Date: __1/30/06__

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I hereby certify that this correspondence is being deposited with the United States Postal Service
with sufficient postage as first class mail in an envelope addressed to: the Commissioner for
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on January 30, 2006.

Kendal M. Sheets